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## MEMO ENDORSED

May 21, 2008

### BY OVERNIGHT COURIER

Hon. Colleen McMahon  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 640  
New York, NY 10007

*I have spoken*

*Colleen McMahon*  
5/22/08

**Re: Francesco Gallo v. Alitalia Linee Aeree Italiane, S.p.A., et al;**  
**07 CV 6418 (CM)(RLE)**

Dear Judge McMahon:

We represent the defendants in the above-referenced matter. We were surprised to receive Plaintiff's counsel's May 20th letter to the Court seeking an additional one month extension to oppose Defendants' pending summary judgment motions, as Mr. Smith did not contact us to request our consent or to otherwise discuss the matter. Mr. Smith has already obtained a two week extension of time to oppose the motions, a request to which we did not object. We are sympathetic to Plaintiff's medical problems, but in the absence of more substantial information about his condition, an additional one month extension seems somewhat excessive, especially since this is a summary judgment motion with an established and substantial factual record from which Mr. Smith may draw in order to oppose the motions.

Under the unfortunate circumstances of Plaintiff's hospitalization, we would have consented to an additional two week extension (until June 10, 2008) for Mr. Smith to serve Plaintiff's opposition papers. If Plaintiff remains hospitalized and unable to communicate with his counsel on June 3rd, we would certainly consent to a request for an additional extension.

Respectfully,

*Alan M. Koral*  
Alan M. Koral

cc: Derek Smith, Esq. (by e-mail)

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